

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DANIEL BRUNO, :
:
Plaintiff, : 07 CIV 7503 (VM)
:
-against- : **DECLARATION OF**
:
IRA J. LIPTON
:
METROPOLITAN TRANSPORTATION :
AUTHORITY, :
:
Defendant. :
:
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Ira J. Lipton, an attorney duly admitted to practice in the State of New York, hereby declares under penalty of perjury pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am a partner in the firm of Hoguet Newman Regal & Kenny, LLP, attorneys for defendant Metropolitan Transportation Authority ("MTA"). I submit this Declaration in support of the MTA's motion to dismiss the Complaint, or in the alternative, for summary judgment. I am fully familiar with the facts and circumstances set forth below.

2. Annexed hereto is the affidavit of MTA's in-house counsel for litigation, Elaine Barraga, Esq. Ms. Barraga attaches pleadings and related documents from prior litigation brought by Mr. Bruno against the MTA. She also attaches the MTA Police Department's rules governing sick, which Mr. Bruno references in the instant Complaint. A copy of the Complaint in the instant

action is annexed hereto as Exhibit 1.

Dated: October 22, 2007
New York, New York



Ira J. Lipton

A handwritten signature in black ink, appearing to read "Ira J. Lipton". The signature is fluid and cursive, with a large, stylized "I" at the beginning. It is positioned above a solid horizontal line.